

1 GENTILE CRISTALLI MILLER  
ARMENI & SAVARESE  
2 MICHAEL V. CRISTALLI  
Nevada Bar No. 6266  
3 Email: mcristalli@gentilecristalli.com  
VINCENT SAVARESE III  
4 Nevada Bar No. 2467  
Email: vsavarese@gentilecristalli.com  
5 410 South Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
6 Tel: (702) 880-0000  
Fax: (702) 778-9709  
7 Attorneys for Claimant, Straughn Samuel Gorman

8  
9 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

CASE NO. 3:13-CV-00324-LRHVPC

12 vs.

13 167,070.00 IN UNITED STATES CURRENCY,

14 Defendant.

15 STRAUGHN SAMUEL GORMAN,

16 Claimant/Real Party in Interest.  
17

18 **CLAIMANT’S REPLY TO THE UNITED STATES’ OBJECTION TO “ERRATA”**

19 Claimant, Straughn Samuel Gorman, (“Claimant” or “Mr. Gorman”), by and through his  
20 attorneys of record, Michael V. Cristalli, Esq., and Vincent Savarese III, Esq., of the law firm of  
21 Gentile Cristalli Miller Armeni & Savarese (“GCMAS”) hereby files his Reply to the United  
22 States’ Objection to “Errata” (the “Reply”).

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1 This Reply is based upon the following Memorandum of Points and Authorities, the  
2 attached exhibits, the pleadings and papers on file herein, and any oral argument this Court may  
3 permit.

4 DATED this 13th day of July, 2015.

5 GORDON SILVER

6 /s/ Vincent Savarese III

7 MICHAEL V. CRISTALLI

8 Nevada Bar No. 6266

9 VINCENT SAVARESE III

10 Nevada Bar No. 2467

11 410 S. Rampart Blvd., Suite 420

Las Vegas, Nevada 89145

Tel: (702) 880-0000

Fax: (702) 778-9709

Attorneys for Claimant, Straughn Samuel  
Gorman

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 The government has filed its brazen “United States’ Objection to “Errata” (the  
14 “Objection”), wherein it questions the veracity of the representations in “Claimant’s Straughn  
15 Samuel Gorman’s Errata to Motion for Attorney’s Fees and Costs and Request for Relief” (the  
16 “Errata”); and attributes a sinister scheme to the immediate efforts of Claimant’s counsel to  
17 expeditiously remedy what was a demonstrably honest mistake. [Dkt. 80]. The government’s  
18 allegations fall flat before the mountain of evidence demonstrating that a simple clerical error  
19 occurred here.

20 The Errata details that the Motion for Attorney’s Fees and Costs and supporting  
21 declaration of Mr. Savarese clearly contemplate that the motion would include Gordon Silver’s  
22 redacted billing entries. [See Dkt. 73 at p.8:21-23 (“Counsel’s redacted billing entries are  
23 attached hereto as Exhibit 1-A and 1-B.”); Dkt 73-1 at par. 8 (“Attached hereto as Exhibit 1-A is  
24 a true and correct copy of a redacted ledger of the fees incurred by Mr. Gorman from the law  
25 firm of Gordon Silver”)]. Moreover, the Motion for Attorney’s Fees and Costs included detailed  
26 breakdowns of the billing entries. Exhibit 1-B was in fact another set of invoices. There was no  
27 attempt to conceal Mr. Gorman’s counsels’ invoices. As soon as Mr. Gorman learned of the  
28 error, he contacted Assistant United States Attorney Addington and provided him with the

1 corrected Exhibit 1-A.

2         Nonetheless, the apparent thrust of the government's Objection is that no error was made  
3 and that Mr. Gorman is now attempting to cover his tracks. Indeed, the government contends  
4 that "Gorman's so-called 'errata' rests on a facially false premise." [Dkt. 80 at p. 3:1]. AUSA  
5 Addington then employs ad homonym attacks upon Claimant's counsel; arguing that "Gorman's  
6 so-called 'errata' represents an improper scheme by Gorman to correct deficiencies in his  
7 motion." [*Id.* at 3:14-15(emphasis added)]. Of course, the government has no factual basis  
8 whatsoever upon which to claim that Mr. Gorman was involved in any "scheme" to mislead the  
9 United States, and a plain review of the motion indicates that the redacted billing entries were  
10 intended to have been included as Exhibit 1-A. In fact, had Mr. Addington contacted Mr.  
11 Gorman's counsel when this obvious clerical error was first discovered—as opposed to trying to  
12 unabashedly capitalize on a simple, honest mistake—Mr. Gorman's counsel would have  
13 immediately corrected the error.

14         The undersigned take their FRCP 11 obligations seriously, and therefore respectfully  
15 submit the following facts and exhibits. On June 26, 2015, the intended attachments to the  
16 Motion for Attorney's Fees and Costs [Dkt. 73] were emailed by Mr. Ciciliano to Mr. Savarese  
17 and his assistant for filing. (*See* a true and correct copy of the email attached hereto as Exhibit A-  
18 1, excluding the Declaration of Vincent Savarese in support of Attorney's Fees). Exhibit 1-A  
19 thereto is clearly the redacted billing entries. That same day, the exhibits to the Bill of Costs  
20 were sent to Mr. Savarese's assistant for filing. (*See* a true and correct copy of the email attached  
21 hereto as Exhibit A-2, excluding the Declaration of Vincent Savarese in support of Bills of  
22 Costs). It is clear that Exhibit 1-A from the Bill of Costs was inadvertently substituted for  
23 Exhibit 1-A of the Motion for Attorney's Fees. Given that the United States challenges the  
24 veracity of the Errata, an electronic copy of the emails will be sent to the Court for in camera  
25 review. After the error was identified—which did not occur until after the Opposition was filed,  
26 an email was immediately sent to the United States that included a copy of the billing statements.  
27 (A true and correct copy of the July 11, 2015, email is attached hereto as Exhibit A-3). The  
28 metadata from those attached statements shows that the file was last edited on the day the motion

1 was filed, June 26, 2015 at 11:54.37 a.m. (Ciciliano Decl., attached hereto as Exhibit A, at ¶ 8).  
 2 Based on the foregoing, there is no doubt that the error described in the Errata was innocent and  
 3 that a mistake occurred.

4 There is also no incurable prejudice to the United States as a result of the Errata. As set  
 5 forth in the Errata, Mr. Gorman at once reached out to Mr. Addington and immediately offered  
 6 an extension of time for the filing of the government's Opposition. While counsel for Mr.  
 7 Gorman sincerely regret and apologize for the inconvenience engendered by this error and wish  
 8 that they had identified it prior to the Opposition being filed, Mr. Gorman's counsel acted to  
 9 immediately remedy the error as soon as it was brought to their attention. Moreover, the effort  
 10 undertaken by the government to research the sufficiency of billing entries is not wasted, as it is  
 11 applicable to the bills submitted in the Errata. On the other hand, it would be manifestly unjust to  
 12 Mr. Gorman to deny his Motion for Attorney's Fees out of hand as Mr. Addington would have  
 13 the Court do on the basis of a simple and readily-remedied clerical error. Rather, a reasonable  
 14 accommodation to remedy an honest mistake would be to allow the United States additional time  
 15 to oppose the motion for fees, which Mr. Gorman would most respectfully request.

16 DATED this 13th day of July, 2015.

17 GORDON SILVER

18 /s/ Vincent Savarese III

19 MICHAEL V. CRISTALLI

20 Nevada Bar No. 6266

21 VINCENT SAVARESE III

22 Nevada Bar No. 2467

23 410 S. Rampart Blvd., Suite 420

24 Las Vegas, Nevada 89145

25 Tel: (702) 880-0000

26 Fax: (702) 778-9709

27 Attorneys for Claimant, Straughn Samuel  
 28 Gorman

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of July, 2015, I electronically filed the **CLAIMANT'S REPLY TO THE UNITED STATES' OBJECTION TO "ERRATA"** with the Clerk of the Court for the United States District Court for the District of Nevada by using the CM/ECF system which will send notification of such filing(s) to the following:

[greg.addington@usdoj.gov](mailto:greg.addington@usdoj.gov);  
[elizabeth.pantner@usdoj.gov](mailto:elizabeth.pantner@usdoj.gov); and  
[joanie.silvershield@usdoj.gov](mailto:joanie.silvershield@usdoj.gov)

/s/Myra Hyde  
An employee of  
Gentile Cristalli Miller Armeni & Savarese